

REMARKS/ARGUMENTS

Claims 1-3, 5, 7-16, 18, and 20-22 are currently pending in the above-referenced application. Claim 20 is new. Claims 6, 17, and 19 are canceled herein. Claims 1, 2, 3, 5, 7-10, 12-14, and 18 are amended herein. Entry and consideration of this paper is respectfully requested.

Applicant hereby incorporates by reference the arguments set forth in the previous Response. Applicant notes with appreciation that, subsequent to the issuance of the most recent Office Action, the instant case has been reassigned to Examiner Gort. Applicant appreciates the significant prosecution history in the instant application, and that the Examiner may have difficulty coming up to speed with the subtleties of the instant application. Applicant therefore respectfully requests an in-person interview at a time convenient to Examiner Gort, and asks that Examiner Gort call Applicant's undersigned representative to schedule such an interview.

In the Office Action, the Examiner rejected the currently pending claims. Applicant respectfully traverses the Office Action, including the rejections, the Examiner's factual determinations, and the Examiner's arguments in their entirety for at least the reasons set forth below.

Response to Rejections Under 35 U.S.C. §112, 1st Paragraph

The Examiner rejected claims 1-3, 5-16, 18, and 19 under 35 U.S.C. §112, 1st paragraph for failing to comply with the written description requirement. In making this rejection, the Examiner focused on Applicant's use of the term "push" in independent claims 1 and 16. Applicant has amended independent Claims 1 and 16 to remove this term, and therefore the Examiner's rejections are moot.

The Examiner also rejected claims 1-3, 5-16, 18, and 19 under 35 U.S.C. §112, 1st paragraph for failing to comply with the written description requirement. In making the rejection, the Examiner asserted that Applicant has not disclosed how the claimed server provides *real-time* information. The Examiner's arguments are based in part on Applicant's use of the term "push", and Applicant has amended the claims to remove this term. Applicant has also amended the claims to further clarify the manner in which inventory

information is provided in real-time to the client. Applicant's amendments having rendered the Examiner's rejections moot, Applicant respectfully requests that the Examiner withdraw the rejection.

Response to Rejections Under 35 U.S.C. §112, 2nd Paragraph

The Examiner rejected claims 1-3, 5-16, 18, and 19 under 35 U.S.C. §112, 2nd paragraph for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the Invention. Applicant's amendments having rendered the Examiner's rejections moot, Applicant respectfully requests that the Examiner withdraw the rejections.

Response to Rejections Under 35 U.S.C. §102

The Examiner rejected Claims 1-3 and 5-19 under 35 U.S.C. §102 as being anticipated by Peterson, U.S. Patent No. 6,324,522, Greene's Production and Inventory Control Handbook, Chopra et al.'s Supply Chain Management, Strategy, Planning, & Operation, and Gralla's How the Internet Works. Applicant respectfully traverses for at least the reasons set forth below. The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984). Peterson describes a process for integrating a maintenance supply network with an information network for selectively distributing information about inventory levels and pricing among vendors participating in the maintenance supply network. In such a system, a plurality of vendors (distributors) of an item are provided with an information network for communicating among the vendors information about the quantity of the item each vendor has in inventory. (Column 1, lines 61 to column 2, line 2). Peterson indicates that much of the inventory network functionality is described as batch functions, rather than real time transactions, although what Peterson terms "real-time" transactions are also contemplated. (Column 14, lines 23-35). Peterson goes on to define the "real-time" system as one which permits an end user to submit a query, and for which the current inventory information is relayed to the end user (Column 43, lines 15-30). Peterson contrasts this against the batch-

RESPONSE

Examiner: GORT, Elaine L.

Serial No. 09/769,294
Atty. Docket No.: 53881.010100

based system, and uses the term “real-time” to indicate that the information in the inventory database is up to date. It should be noted, however, that neither Peterson’s batch-based system nor Peterson’s “real-time” system discloses a server that provides a client with real-time inventory information by transmitting to the client inventory information updates as such inventory information changes, as recited in Applicant’s claims. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

The differences between the definition of “real-time” as the term is used in Peterson versus the instant application underscores Applicant’s assertion that Applicant has chosen to be his own lexicographer, and Applicant maintains his traversal of the definitions supplied by the Examiner.

The Examiner also argues that Gralla discloses using Netscape to push web content from web servers to web clients. Applicant respectfully traverses. Gralla discloses the use of Netscape’s Netcaster software to browse web sites offline. Gralla refers to this as “pushing” the content to the client because the web site’s content is copied from the web server to the user’s local computer. Such a system was implemented at a time when Internet connectivity was charged on a per-minute basis, and such systems were designed to obtain all of the user’s preferred content in as short a period of time as possible, thereby obviating the need for the user to stay online. This is why, as Gralla indicates, the user can set default properties for a given web site (or “channel”), including how often Netcaster should automatically update, or retrieve, the information from the site. Gralla’s system is based on Netcaster initiating a conversation with a server and requesting specific information therefrom, which information is then transferred to Netcaster. Once Netcaster has the requested information, no further information is transferred from the server. Thus, Netcaster must initiate communications with the server before any updates are provided to Netcaster. This is in contrast to Applicant’s claimed invention, wherein the server provides the client with real-time inventory information by transmitting to the client updates to the information requested by the client as such inventory information changes. The combination of Gralla and Peterson clearly does not teach or suggest all elements of Applicant’s claimed invention, and Applicant therefore respectfully requests that the Examiner withdraw the rejection.

The Examiner also argues that Green discloses an inventory transaction table, and that the fields in the transaction table are “inherent in Peterson ‘522 because Peterson ‘522 does not disclose the file structure of the inventory data stored”. The Examiner’s logic in this instance is without basis. By way of illustration, had Peterson discussed the fact that the parts maintained in Peterson were shipped by airplane, the Examiner’s logic would make inherent in Peterson such information as the aerodynamics required to make an airplane fly. Applicant asserts that the mere fact that an inventory database is recited in Peterson does not render all possible database structures and inventory management techniques inherent to Peterson, and Applicant respectfully requests that the Examiner either withdraw the argument or provide a citation to relevant caselaw in support of this position.

Response to Rejections Under 35 U.S.C. §103

The Examiner alternatively rejected Claims 1-3 and 5-16, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over Peterson, Green, Chopra, and Gralla. It is the Examiner’s principle position that the claims are anticipated because of what the Examiner presumes to be inherencies in Peterson. However, the Examiner argues in the alternative that if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Peterson as taught by Green to include the data structure as described in Green. The Examiner further asserts that “Such a modification would have simply disclosed that which is inherent”. As the Examiner’s arguments are merely a restatement of those set forth in the rejections under 35 U.S.C. §102, Applicant respectfully traverses and incorporates by reference the arguments made above.

The Examiner also argues that it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Peterson/Green as taught by Gralla to expressly recite the features of Netscape. The Examiner goes on to make a factual determination that accessing inventory data quickly is a desired feature, and by using the “push” technology described in Gralla, the user would be able to view the inventory data offline in case there was a communications interruption. Applicant agrees with the Examiner’s characterization of Netscape’s Netcaster application (and by extension what Gralla discloses about the application) - that is, Netcaster discloses local caching of information, and reliance on this locally-cached information. However, as described above,

RESPONSE

Examiner: GORT, Elaine L.

Serial No. 09/769,294
Atty. Docket No.: 53881.010100

this is in contrast to Applicant's invention, wherein cached information would inherently be out of date (i.e., not in "real time" as the term is used in the instant application). Applicant also respectfully asserts that Gralla's teaching that such cached data is acceptable teaches away from Applicant's invention as claimed. Applicant respectfully asserts that the combination of Peterson, Green, Chopra, and Gralla neither teaches nor suggests Applicant's invention as claimed. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

The Examiner rejected Claims 1-3 and 5-16, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over Cornett (U.S. Patent No. 5,216,612) in view of Gralla, Greene, and Chopra. Applicant respectfully traverses. Applicant's amendments have further clarified the various aspects of the claimed invention, and in so doing have rendered the Examiner's rejection moot. By way of example, the combination of Cornett, Gralla, Greene, and Chopra does not teach or suggest a server that provides a client with real-time inventory information by transmitting to the client inventory information updates as such inventory information changes, as recited in Applicant's claims. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

RESPONSE
Examiner: GORT, Elaine L.

Serial No. 09/769,294
Atty. Docket No.: 53881.010100

CONCLUSION

Having responded to all rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment to Deposit Account No. **50-0653**. If an extension of time is required, this should be considered a petition therefor. If the fees associated with a Request for Continued Examination are filed herewith, this should be considered a petition therefor.

Respectfully submitted,

Date: December 7, 2006 By: / James E. Goepel /

James E. Goepel (Reg. No. 50,851)
Agent for Applicant

GREENBERG TRAURIG
1750 Tyson's Boulevard
Suite 1200
McLean, VA 22102
(703) 903-7536
E-mail: goepelj@gtlaw.com